

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-22-40-D
)	
WILLIAM SHAWN KAYS,)	
)	
Defendant.)	

ORDER

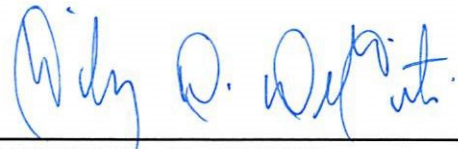
Before the Court are two Motions in Limine [Doc. Nos. 21, 41] filed by Defendant William Shawn Kays. The government responded to each [Doc. Nos. 36, 43], and Defendant did not reply. The matters are fully briefed and at issue.

Defendant, in his Motion in Limine Regarding Marijuana [Doc. No. 21], requested that the government be prohibited from introducing evidence related to marijuana that was found in Defendant's residence when it was searched pursuant to a valid search warrant. In its response [Doc. No. 36], the government agreed that the marijuana-related evidence was not relevant; it does not intend to offer any such evidence in its case in chief.

Defendant, in his Motion in Limine Regarding Alleged Assault and Battery [Doc. No. 41], requested that the government be prohibited from informing the jury that he was charged with a misdemeanor assault and battery in Blaine County Case No. CF-2021-52. In its response [Doc. No. 43], the government again agreed that the evidence related to the misdemeanor assault and battery charge was not relevant; it does not intend to offer any such evidence in its case in chief.

In light of the government's stipulation that it does not intend to offer any evidence related to (1) the marijuana found in Defendant's home, and (2) Defendant's misdemeanor assault and battery charge, Defendant's Motions in Limine [Doc. Nos. 21, 41] are **DENIED AS MOOT.**¹

IT IS SO ORDERED this 21st day of September, 2022.



TIMOTHY D. DeGIUSTI
Chief United States District Judge

¹ A party's request to exclude certain evidence should be denied as moot when the opposing party does not intend to offer any such evidence in its case in chief. *See United States v. Cline*, 188 F.Supp.2d 1287, 1296 (D. Kan. 2002).